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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q64056

Michel RUFFIN, et al.

Appln. No.: 09/807,464

Group Art Unit: 2154

Confirmation No.: 7377

Examiner: Haresh N. PATEL

Filed: June 29, 2001

For: A METHOD FOR THE ASYNCHRONOUS TRANSMISSION OF INFORMATION IN
ACCORDANCE WITH ACID PROPERTIES

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

In response to the Notification of Non-Compliant Appeal Brief dated February 26, 2007, Appellant is submitting herewith a new Appeal Brief that obviates the deficiencies noted in the Notification.

Although Applicant believes that no fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: March 9, 2007

Attorney Docket No.: Q64056



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For: A METHOD FOR THE ASYNCHRONOUS TRANSMISSION OF INFORMATION IN
ACCORDANCE WITH ACID PROPERTIES

AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Complaint Appeal Brief, and in accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is the Assignee, Alcatel, by virtue of an assignment recorded in the U.S. Patent and Trademark Office on June 29, 2001 at Reel 011951, Frame 0049.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, judicial proceedings, or interferences known to the Appellant, Appellant's legal representative, or the Assignee, which may be related to, directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-6 are all of the claims pending in the application and are the subject of this appeal. Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaefer et al. (U.S. Patent No. 6,157,927; hereinafter “Schaefer”) in view of “ObjectStore Java API User Guide”, Chapter 5, Working with Transactions, pages 1-10 (hereinafter “ObjectStore”) and Leymann et al. (U.S. Patent No. 6,012,094; hereinafter “Leymann”).

The Advisory Action, mailed August 3, 2006, indicates at page 2 that Appellant’s arguments submitted in the Response Under 37 C.F.R. § 1.116, filed July 11, 2006, overcome the rejections under 35 U.S.C. § 132 and 35 U.S.C. § 112, and hence the 35 U.S.C. § 132 and 35 U.S.C. § 112 rejections are withdrawn.

All of the claims are set forth in the attached Appendix.

IV. STATUS OF AMENDMENTS

On July 11, 2006, Appellants filed a Response Under 37 C.F.R. § 1.116, but no claims were amended. Accordingly, the claims stand as presented prior to the Final Office Action of April 24, 2006.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1 is directed to a method of transmitting information asynchronously between a supplier (Fig. 1, #1; Fig. 2, #F1,F2) and a consumer (Fig. 1, #5; Fig. 2, #C1,C2) in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties, said supplier (Fig. 1, #1; Fig. 2, #F1,F2) and said consumer (Fig. 1, #5; Fig. 2, #C1,C2) being connected by a chain of communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15).

The claimed method comprises:¹

transmitting said information by means of a series of sequential independent transactions set up between said supplier (Fig. 1, #1; Fig. 2, #F1,F2) and a first communication channel (left rectangular block 2 of Fig. 1; 1st channel or 2nd channel of Fig. 2) of said chain, between each of the communication channels of said chain (left rectangular block 2 and right rectangular block 2 of Fig. 1; 1st channel or 2nd channel, and 3rd channel of Fig. 2), and between a last communication channel of said chain (right rectangular block 2 of Fig. 1; 3rd channel of Fig. 2) and said consumer (Fig. 1, #5; Fig. 2, #C1,C2),

wherein each of the transactions between the communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2) of said chain and between the last communication channel (right rectangular block 2 of Fig. 1; 3rd channel of Fig. 2) of said chain and said consumer (Fig. 1, #5; Fig. 2, #C1,C2) is set up if a previous transaction has succeeded. (page 4, lines 16-32).

¹ See Fig. 1, Fig. 2, and specification at page 4, line 11 to page 5, line 35.

Claim 4 is directed to a communication channel (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15) enabling asynchronous transmission of information between a supplier (Fig. 1, #1; Fig. 2, #F1,F2) and a consumer (Fig. 1, #5; Fig. 2, #C1,C2) in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties, said communication channel (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15) having a set of clients which can be other communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15) or consumers (Fig. 1, #5; Fig. 2, #C1,C2), said channel (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15).

The claimed communication channel comprises:²

means for storing said information which is contained in a transaction for which said communication channel is a target, (page 4, lines 19-20, 24-25; page 5, lines 6-7, 18; Fig. 1, #4, #6)

means for finalizing said transaction, (page 4, lines 22-28; page 5, lines 8-11, 18, Fig. 1, #2, #5) and

means for initiating other transactions containing said information with said set of clients if said transaction has succeeded. (page 4, lines 16-32; page 5, lines 1-5; Fig. 1, #1, #2)

Claim 6 is directed to a transactional asynchronous communication architecture comprising a plurality of communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15) enabling asynchronous

² See Fig. 1, Fig. 2, and specification at page 4, line 11 to page 5, line 35.

transmission of information between a supplier (Fig. 1, #1; Fig. 2, #F1,F2) and a consumer (Fig. 1, #5; Fig. 2, #C1,C2) in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties, each of said plurality of communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15) having a set of clients which can be other of said plurality of communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15) or consumers (Fig. 1, #5; Fig. 2, #C1,C2), wherein each of the plurality of communication channels (left and right rectangular blocks 2 in Fig. 1; 1st channel, 2nd channel, and 3rd channel in Fig. 2; page 4, lines 11-15).

The claimed transactional asynchronous communication architecture comprises:³

means for storing said information contained in a transaction for which said one of the plurality of communication channels is a target, (page 4, lines 19-20, 24-25; page 5, lines 6-7; Fig. 1, #4, #6)

means for finalizing said transaction, (page 4, lines 22-28; page 5, lines 8-11, 18; Fig. 1, #2, #5) and

means for initiating other transactions containing said information with said clients if said transaction has succeeded. (page 4, lines 16-32; page 5, lines 1-5, 18; Fig. 1, #1, #2).

³ See Fig. 1, Fig. 2, and specification at page 4, line 11 to page 5, line 35.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Schaefer in view of ObjectStore and Leymann.

VII. ARGUMENT

Appellant respectfully submits that claims 1-6 would not have been rendered obvious in view of the Examiner's proposed combination of Schaefer, ObjectStore, and Leymann because 1) a person having ordinary skill in the art would not have been motivated to combine the teachings of the Schaefer and Leymann references, and 2) even if the teachings of the Schaefer and Leymann references could be combined, the combination does not teach or suggest all of the features of the claimed invention.

I. CLAIMS 1-3

A. A Person of Ordinary Skill in the Art Would Not Have Been Motivated to Combine the Teachings of the Schaefer and Leymann References.

Appellant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the cited Schaefer and Leymann references to produce the claimed invention.

In rejecting claim 1, the Examiner maintains that the Schaefer and ObjectStore combination teaches all of the recited features except the feature wherein "each of the transactions between the communications channels of said chain and between the last communication channel of said chain and said consumer is set up if a previous transaction has succeeded." The Examiner then cites to Leymann as allegedly curing this deficiency. As the alleged motivation to combine the teachings of Schaefer and Leymann, the Examiner maintains that the combination would facilitate handling a series of sequential transactions because the sequential transactions would support processing of information in a sequential manner. Additionally, the Examiner argues that the series of sequential transactions would enhance

providing information from one entity to another. However, Appellant respectfully disagrees with this motivation or suggestion to combine.

With respect to the Examiner's first proposed motivation, Appellant respectfully submits that the Examiner's argument is a mere tautology -- i.e., that sequential transactions facilitate sequential transactions because they are sequential transactions. This is not a motivation or suggestion, but merely a re-statement that Leymann allegedly teaches sequential transactions. As such, this amounts to using Appellant's disclosure as a roadmap for piecing together elements, and is not a motivation.

With respect to the second alleged motivation, the Schaefer reference is directed to combining transactional environments. Specifically, Schaefer is concerned with combining what would otherwise be disparate transactional processing systems and environments, such as providing interoperability between windows based clients, e.g., MS DTC, and an X/Open XATMI-compliant system. The MS DTC environment cannot interoperate with resources on a remote server controlled by an X/Open XATMI compliant transaction manager. Since there is a large installed base of client server applications that are built upon an X/Open XATMI compliant transaction manager, it is desirable to provide a method and apparatus that enable an MS DTC compliant manager to include such service in a global transaction that the MS DTC compliant manager controls.

A global transaction system has a client interacting with multiple servers, one for a hotel reservation, one for a car rental reservation, and one for a flight reservation, for example. Each server has its own database that must be updated, and these updates are performed by a local transaction manager, under the control of a global transaction manager which serves to coordinate the updates. (see col. 2, line 50 to col. 3, line 25). The problem with this system is

that many different local transaction managers exist, for example the X/Open XATMI compliant transaction manager and the MS DTC transaction manager, and these transaction managers do not coexist well. Schaefer thus seeks to provide a system to more easily allow the X/Open XATMI-compliant manager to interact with the MS DTC transaction manager. Stated more broadly, Schaefer is concerned with providing interoperability between servers in disparate transactional processing systems and environments.

In contrast, Leymann is concerned with ensuring the outcome atomicity of a collection of transactions. Specifically, Leymann is concerned with optimizing communication traffic for coordination of multiple transactions with optimizing concurrency behavior and throughput of a collection of transactions. Leymann accomplishes this by grouping transactions and then processing the group as a set of chained strata.

Appellant respectfully submits that one of skill in the art when faced with the problem of Schaefer, i.e., combining disparate transactional processing systems and environments, would not look to the solution of Leymann for an answer, because Leymann is only concerned with improving the operation of multiple transactions within one transactional system or environment.

Moreover, Appellant respectfully submits that the Schaefer and Leymann references teach away from their combination. Specifically, grouping the transactions into strata, as proposed by Leymann, if applied to the system of Schaefer would result in decreased functionality because X/Open XATMI-compliant transaction managers would be grouped with MS DTC transaction managers, thus resulting in an inoperable system.

B. Even Assuming that the Teachings of Schaefer and Leymann References may be Combined, the Resulting Combination Does Not Teach All the Features of the Claimed Invention

Even assuming *arguendo* that the Schaefer and Leymann references may be combined, the combination still does not teach all features recited by the claims.

For example, claim 1 recites the limitation of transmitting information by means of independent transactions. Neither ObjectStore nor Leymann contain any teachings relevant to this point, as acknowledged by the Examiner. The Examiner maintains that Schaefer teaches multiple transactions including transmitting information by means of independent transactions by virtue of both the non-global and global transactions described in Schaefer at cols. 2 and 3. However, Appellant respectfully disagrees with the Examiner's position.

At col. 2 and col. 3, Schaefer shows both non-global and global transactions. The non-global transaction acts as a traditional transaction, the difference being that the work is distributed in a client/server manner. Thus, a client, e.g. a travel agent, connects to a server and the server interacts with a database. This teaching shows one transaction.

The global transaction, discussed in Schaefer at col. , consists of multiple, coordinated database updates. However, again, even in such a distributed transaction processing environment, there is a single transaction that is performed by multiple application programs that access one or more databases on one or more computers across a network. This is what it means to be distributed. In this global system there is a global transaction and subordinate transactions of the global transactions, with the global transaction coordinating updates. See col. 3, lines 1-10. Thus, the transactions are not indeed independent but rather are coordinated and rely on the global transaction. Thus, Schaefer does not show transmitting information by means of independent transactions as set forth by claim 1.

In the response to arguments section of the Final Office Action, dated April 24, 2006, at pages 2-3, the Examiner argues that Schaefer discloses the claimed limitations transmitting

information by means of independent transactions, and cites to Figs. 6A to 6D and col. 3, lines 1-53 and col. 13, line 34 to col. 14, line 49 for support of this proposition.

However, Appellant respectfully submits that the teachings at col. 3, lines 1-53 of Schaefer actually supports the opposite contention -- that all of the transactions in Schaefer's global transaction are dependent, not independent. Schaefer specifically states "with a global transaction, tasks that were once performed independently may be coordinated and automated." (col. 3, lines 16-18). Cols. 13 and 14 do not contain any relevant teachings regarding independent transactions. Rather, the cited portion discusses a bi-directional, two-phase commitment communications protocol operating as the connection manager. (see col. 13, lines 40-44). This two-phase commit is indicative of the global transaction discussed at col. 3, lines 1-53. Figs. 6A-6D merely teach a state machine, which again operates in conjunction with the global transaction. Thus, none of the additional cited portions of Schaefer support the Examiner's contention. In fact, they support the opposite. As such, Schaefer does not teach or suggest transmitting information by means of independent transactions as set forth in claim 1.

Claim 1 also recites the limitation that the supplier and the consumer are connected by a chain of communication channels. The Examiner again points to the non-global and global transactions as allegedly illustrating a chain of communication channels. However, Appellant again respectfully disagrees with the Examiner's position.

As noted above with respect to the non-global transaction situation, work is distributed in a client/server manner. In other words, a client contacts a server which interacts with a database in order to perform the single transaction. Thus, there is only one communication channel between the supplier and the consumer, and no chain of communications channels is described..

In the global transaction system, a client contacts a supplier seeking air, car and hotel reservations. In this single transaction, the client interacts with an air server which has its own air database for airline tickets. The client interacts with another server that interacts with a car database, and the client interacts with another server that interacts with a hotel database. While there may be three different communication channels, i.e., one between the consumer and the air server, one between the consumer and the car server, and one between the consumer and the hotel server, these are not formed in a chain. A chain has links, one connected to another. Thus, Schaefer at cols. 2 and 3, in his discussion of non-global and global transactions, does not show, teach or suggest a chain of communication channels which connects a supplier and a consumer, as set forth by claim 1.

In the response to arguments section of the April 24, 2006 Final Office Action, the Examiner argues, in essence, that the claims do not specify what is considered as a communications channel, and therefore the claims clearly read on the Examiner's interpretation of Schaefer. (see pages 4-5). Specifically, the Examiner cites to Fig. 3 of Schaefer as containing a series of software and/r hardware modules between a transaction producer and consumer that carryout communication as allegedly corresponding to the claimed communication channels. Appellant respectfully notes that at page 1, lines 12-13 of the specification, it is stated that an asynchronous communications service contains a manager and one or more communication channels. Thus, the communications channels are different from a manager. Fig. 3 of Schaefer shows a resource manger 70 and a connection manager 66.⁴ Thus, the software and hardware modules of Fig. 3 of Schaefer do not show the chain of communication channels feature as set

⁴ Appellant assumes for the purposes of argument only that it is the Examiner's position that the client application 52 corresponds to the claimed consumer, but respectfully notes that Fig. 3 does not appear to contain any teachings relevant to the claimed supplier.

forth in claim 1. Neither Leymann nor ObjectStore contain any disclosure relevant to this issue. Therefore, Appellant respectfully submits that claim 1 is patentable over the Schaefer/Leymann/ObjectStore combination for this additional reason.

Moreover, since Schaefer does not show a chain of communication channels, it is logically impossible for Schaefer to show asynchronous transactions that are setup between a supplier and a first communication channel of said chain, between each of the communication channels of said chain, and between a last communication channel of said chain and the consumer, as also set forth by claim 1.

Thus, for at least the reasons discussed above, Appellant respectfully submits that claim 1 contains patentable features over the Schaefer, ObjectStore, and Leymann combination

Appellant respectfully submits that since claims 2 and 3 depend from claim 1 and recite additional narrowing limitations, claims 2 and 3 are patentable over the Schaefer, ObjectStore, and Leymann combination by virtue of their respective dependencies.

II. CLAIMS 4-5

A. A Person of Ordinary Skill in the Art Would Not Have Been Motivated to Combine the Teachings of the Schaefer and Leymann References.

Appellant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the cited Schaefer and Leymann references to produce the claimed invention.

In rejecting claim 4, the Examiner alleges that one skilled in the art would be motivated to combine the Schaefer and Leymann teachings because the combination would facilitate handling a series of sequential transactions because the sequential transactions would support processing of information in a sequential manner. Additionally, the Examiner argues that the

series of sequential transactions would enhance providing information from one entity to another. However, Appellant respectfully disagrees with this motivation or suggestion to combine.

With respect to the Examiner's first proposed motivation, Appellant respectfully submits that the Examiner's argument is a mere tautology -- i.e., that sequential transactions facilitate sequential transactions because they are sequential transactions. This is not a motivation or suggestion, but merely a re-statement that Leymann allegedly teaches sequential transactions. As such, this amounts to using Appellant's disclosure as a roadmap for piecing together elements, and is not a motivation.

With respect to the second alleged motivation, the Schaefer reference is directed to combining transactional environments. Specifically, Schaefer is concerned with combining what would otherwise be disparate transactional processing systems and environments, such as providing interoperability between windows based clients, e.g., MS DTC, and an X/Open XATMI-compliant system. The MS DTC environment cannot interoperate with resources on a remote server controlled by an X/Open XATMI compliant transaction manager. Since there is a large installed base of client server applications that are built upon an X/Open XATMI compliant transaction manager, it is desirable to provide a method and apparatus that enable an MS DTC compliant manager to include such service in a global transaction that the MS DTC compliant manager controls.

A global transaction system has a client interacting with multiple servers, one for a hotel reservation, one for a car rental reservation, and one for a flight reservation, for example. Each server has its own database that must be updated, and these updates are performed by a local transaction manager, under the control of a global transaction manager which serves to

coordinate the updates. (see col. 2, line 50 to col. 3, line 25). The problem with this system is that many different local transaction managers exist, for example the X/Open XATMI compliant transaction manager and the MS DTC transaction manager, and these transaction managers do not coexist well. Schaefer thus seeks to provide a system to more easily allow the X/Open XATMI-compliant manager to interact with the MS DTC transaction manager. Stated more broadly, Schaefer is concerned with providing interoperability between servers in disparate transactional processing systems and environments.

In contrast, Leymann is concerned with ensuring the outcome atomicity of a collection of transactions. Specifically, Leymann is concerned with optimizing communication traffic for coordination of multiple transactions with optimizing concurrency behavior and throughput of a collection of transactions. Leymann accomplishes this by grouping transactions and then processing the group as a set of chained strata.

Appellant respectfully submits that one of skill in the art when faced with the problem of Schaefer, i.e., combining disparate transactional processing systems and environments, would not look to the solution of Leymann for an answer, because Leymann is only concerned with improving the operation of multiple transactions within one transactional system or environment.

Moreover, Appellant respectfully submits that the Schaefer and Leymann references teach away from their combination. Specifically, grouping the transactions into strata, as proposed by Leymann, if applied to the system of Schaefer would result in decreased functionality because X/Open XATMI-compliant transaction managers would be grouped with MS DTC transaction managers, thus resulting in an inoperable system.

B. Even Assuming that the Teachings of Schaefer and Leymann References may be Combined, the Resulting Combination Does Not Teach All the Features of the Claimed Invention

Even assuming *arguendo* that the Schaefer and Leymann references may be combined, the combination still does not teach all features recited by the claims.

For example, claim 4 recites the feature that each communication channel has a set of clients which are other communication channels or consumers. Neither Leymann nor ObjectStore contain any teachings relevant to this feature, as acknowledged by the Examiner. However, the Examiner suggests that this limitation is met by virtue of the teachings of Schaefer at col. 8, lines 25-67. Appellant respectfully disagrees with the Examiner's position.

At col. 8, lines 25-67, Schaefer describes a resource manager that receives XATMI service requests and directives issued by a first transaction manager for a given single global transaction. The resource manager then translates the service requests and the directives into service requests for an OSI TP protocol machine. By virtue of this system, the remote server is able to appear to the first transaction manager as simply another local resource within the transaction processing environment. This description does not show or teach a communication channel which has a set of clients. For example, if, *arguendo*, the first transaction manager may be viewed as a communication channel, it only has one client, that is, the resource manager. On the other hand, if the resource manager may be viewed as a communication channel, it only has one client, the OSI TP protocol machine. Therefore, Schaefer does not teach or suggest a communication channel having a set of clients which are other communication channels or consumers, as set forth by claim 4.

In the response to argument section of the April 24, 2006 Final Office Action, the Examiner advances, almost verbatim, the same arguments discussed above with respect to the chain of communication channels feature. As discussed above, the software and hardware modules of Fig. 3 do not show the claimed chain of communication channels as set forth in the claims. Therefore, logically, Fig. 3 of Schaefer cannot show the feature whereby each communications channel has a set of clients which are other communication channels or consumers, as set forth in claim 4. Neither Leymann nor ObjectStore contain any teachings relevant to this feature. Therefore, claim 4 contains patentable features over the Schaefer, ObjectStore, and Leymann combination.

Appellant respectfully submits that since claim 5 depends from claim 4 and recites additional narrowing limitations, claim 5 is patentable over the Schaefer, ObjectStore, and Leymann combination by virtue of its dependency.

III. CLAIM 6

A. A Person of Ordinary Skill in the Art Would Not Have Been Motivated to Combine the Teachings of the Schaefer and Leymann References.

Appellant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the cited Schaefer and Leymann references to produce the claimed invention.

In rejecting claim 6, the Examiner alleges that one skilled in the art would be motivated to combine the Schaefer and Leymann teachings because the combination would facilitate handling a series of sequential transactions because the sequential transactions would support processing of information in a sequential manner. Additionally, the Examiner argues that the series of sequential transactions would enhance providing information from one entity to

another. However, Appellant respectfully disagrees with this motivation or suggestion to combine.

With respect to the Examiner's first proposed motivation, Appellant respectfully submits that the Examiner's argument is a mere tautology -- i.e., that sequential transactions facilitate sequential transactions because they are sequential transactions. This is not a motivation or suggestion, but merely a re-statement that Leymann allegedly teaches sequential transactions. As such, this amounts to using Appellant's disclosure as a roadmap for piecing together elements, and is not a motivation.

With respect to the second alleged motivation, the Schaefer reference is directed to combining transactional environments. Specifically, Schaefer is concerned with combining what would otherwise be disparate transactional processing systems and environments, such as providing interoperability between windows based clients, e.g., MS DTC, and an X/Open XATMI-compliant system. The MS DTC environment cannot interoperate with resources on a remote server controlled by an X/Open XATMI compliant transaction manager. Since there is a large installed base of client server applications that are built upon an X/Open XATMI compliant transaction manager, it is desirable to provide a method and apparatus that enable an MS DTC compliant manager to include such service in a global transaction that the MS DTC compliant manager controls.

A global transaction system has a client interacting with multiple servers, one for a hotel reservation, one for a car rental reservation, and one for a flight reservation, for example. Each server has its own database that must be updated, and these updates are performed by a local transaction manager, under the control of a global transaction manager which serves to coordinate the updates. (see col. 2, line 50 to col. 3, line 25). The problem with this system is

that many different local transaction managers exist, for example the X/Open XATMI compliant transaction manager and the MS DTC transaction manager, and these transaction managers do not coexist well. Schaefer thus seeks to provide a system to more easily allow the X/Open XATMI-compliant manager to interact with the MS DTC transaction manager. Stated more broadly, Schaefer is concerned with providing interoperability between servers in disparate transactional processing systems and environments.

In contrast, Leymann is concerned with ensuring the outcome atomicity of a collection of transactions. Specifically, Leymann is concerned with optimizing communication traffic for coordination of multiple transactions with optimizing concurrency behavior and throughput of a collection of transactions. Leymann accomplishes this by grouping transactions and then processing the group as a set of chained strata.

Appellant respectfully submits that one of skill in the art when faced with the problem of Schaefer, i.e., combining disparate transactional processing systems and environments, would not look to the solution of Leymann for an answer, because Leymann is only concerned with improving the operation of multiple transactions within one transactional system or environment.

Moreover, Appellant respectfully submits that the Schaefer and Leymann references teach away from their combination. Specifically, grouping the transactions into strata, as proposed by Leymann, if applied to the system of Schaefer would result in decreased functionality because X/Open XATMI-compliant transaction managers would be grouped with MS DTC transaction managers, thus resulting in an inoperable system.

B. Even Assuming that the Teachings of Schaefer and Leymann References may be Combined, the Resulting Combination Does Not Teach All the Features of the Claimed Invention

Even assuming *arguendo* that the Schaefer and Leymann references may be combined, the combination still does not teach all features recited by the claims.

For example, claim 6 recites the feature that each communication channel has a set of clients which are other communication channels or consumers. Neither Leymann nor ObjectStore contain any teachings relevant to this feature, as acknowledged by the Examiner. However, the Examiner suggests that this limitation is met by virtue of the teachings of Schaefer at col. 8, lines 25-67. Appellant respectfully disagrees with the Examiner's position.

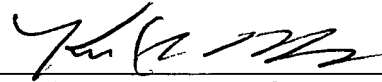
At col. 8, lines 25-67, Schaefer describes a resource manager that receives XATMI service requests and directives issued by a first transaction manager for a given single global transaction. The resource manager then translates the service requests and the directives into service requests for an OSI TP protocol machine. By virtue of this system, the remote server is able to appear to the first transaction manager as simply another local resource within the transaction processing environment. This description does not show or teach a communication channel which has a set of clients. For example, if, *arguendo*, the first transaction manager may be viewed as a communication channel, it only has one client, that is, the resource manager. On the other hand, if the resource manager may be viewed as a communication channel, it only has one client, the OSI TP protocol machine. Therefore, Schaefer does not teach or suggest a communication channel having a set of clients which are other communication channels or consumers, as set forth by claim 6. Therefore, claim 6 contains patentable features over the Schaefer, ObjectStore, and Leymann combination.

IV. CONCLUSION

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: March 9, 2007

CLAIMS APPENDIX

CLAIMS 1-6 ON APPEAL:

1. (previously presented): A method of transmitting information asynchronously between a supplier and a consumer in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties, said supplier and said consumer being connected by a chain of communication channels, the method comprising transmitting said information by means of a series of sequential independent transactions set up between said supplier and a first communication channel of said chain, between each of the communication channels of said chain, and between a last communication channel of said chain and said consumer, wherein each of the transactions between the communication channels of said chain and between the last communication channel of said chain and said consumer is set up if a previous transaction has succeeded.

2. (previously presented): The method according to claim 1, wherein each communication channel has a set of clients which are other communication channels or consumers, and when a one of said communication channels of said chain is a target of one of said independent transactions, the method further comprises:

storing said information in a reliable memory,

finalizing the one of said independent transactions, and

if said one of said independent transactions has succeeded, initiating other independent transactions with said clients containing said information.

3. (previously presented): The method according to claim 1, wherein to initiate said independent transactions, said information is stored in a plurality of queues each of which is associated with one of a plurality of clients and consumed by a thread.

4. (previously presented): A communication channel enabling asynchronous transmission of information between a supplier and a consumer in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties, said communication channel having a set of clients which can be other communication channels or consumers, said channel comprising:

means for storing said information which is contained in a transaction for which said communication channel is a target,

means for finalizing said transaction, and

means for initiating other transactions containing said information with said set of clients if said transaction has succeeded.

5. (previously presented): The communication channel according to claim 4, further comprising a plurality of queues each of which is associated with one of said clients.

6. (previously presented): A transactional asynchronous communication architecture comprising a plurality of communication channels enabling asynchronous transmission of information between a supplier and a consumer in accordance with Atomicity, Coherence, Isolation and Durability (ACID) properties, each of said plurality of communication channels

having a set of clients which can be other of said plurality of communication channels or consumers, wherein each of the plurality of communication channels comprises:

means for storing said information contained in a transaction for which said one of the plurality of communication channels is a target,

means for finalizing said transaction, and

means for initiating other transactions containing said information with said clients if said transaction has succeeded.

EVIDENCE APPENDIX:

There has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other similar evidence.

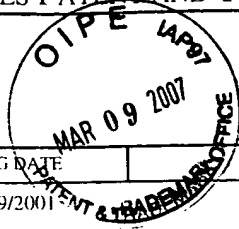
RELATED PROCEEDINGS APPENDIX

There are no related proceedings.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No. **09/807,464**

Examiner **Haresh Patel**

MAR 09 2007

Art Unit **2154**

NATHAN J. FLYNN

**SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2800**

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 24 November 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The Summary of Claimed Subject matter, i.e., paragraphs 1, 2, 3 of the page 6 of the appel brief do not contain reference to the figures. Also, the summary of claimed subject matter should not contain prior art information and should contain summary of the claimed subject matter of the claims that is supported by the specification of this application under prosecution. Please see CFR 41.37(c)(1)(v).